

Appl. No. 10/699,439
Amdt. Dated 9/29/2008
Response to Office Action dated 12/31/2007

REMARKS

Claims 1, 15, 18, 31, and 45 have been. Claims 3, 17, 25, 36 and 50 have been cancelled. No new claims have been added. Claims 1, 2, 4-16, 18-24, 26-35, 37-49 and 51-58 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Any reference herein to “the invention” is intended to refer to the specific claim or claims being addressed herein. The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 1, 15, 18, 31, and 45, the independent claims, under 35 USC § 103(a) as obvious in view of Kausik et al. (US Patent 7,159,014) and Marmigere et al. (US Publication 20040068579). This rejection is respectfully traversed.

A. Amendments to the Claims

The independent claims have been amended to recite the receiving of a request, storing the amended response, and providing the amended response to other requesters without additional communication with the server. These limitations were added from originally filed and now cancelled claims 3, 17, 25, 36 and 50. In addition, the amendments further recite that the requester is a web browser, such that the request is received from a web browser and the amended response is provided to the web browser. Support for this limitation is provided in paras. 0028 and 0031 of the patent application.

B. Kausik Does Not Disclose Forwarding the Amended Response to the Requester

We assert that Kausik does not disclose “receiving a request for a requested object from a requester, wherein the requester is a web browser” and “when the response does not include the native expiration, forwarding the amended response to the requester”.

Specifically, Kausik discloses the functionality of an Internet browser receiving web pages and caching objects included in the web pages. As such, the cited teachings of Kausik are inapplicable to the claims. In contrast, the independent claims recite, among other limitations, “receiving a request for a requested object from a requester, wherein the requester is a web browser” and “forwarding the amended response to the requester”, namely the web browser, “wherein the amended response includes the requested object”. This functionality, that is, the actions claimed, make it clear that an Internet browser is not performing the actions recited. Moreover, an Internet browser does not have the capability of forwarding or providing a requested object as recited in the claims. As claimed, a web browser does not “forward an amended response to the requester” but the web browser is the requester of objects. As such, the cited teachings of Kausik are inapplicable to the claims.

In sum, because a browser does not forward or provide requested objects to browsers, Kausik does not disclose the limitations for which it is cited.

In addition, claims 4, 12, 13, 15, 18, 28, 29, 37, 42, 43, 51, 56 and 57 also recite “forwarding the response to the requester”, namely the web browser in specified circumstances recited in the particular claim. As set forth in the prior paragraph, Kausik is similarly inapplicable to these claims.

We assert that Marmigere fails to remedy the deficiencies of Kausik.

Thus, claims the independent claims, and all claims dependent thereon are patentable over the combination of Marmigere and Kausik.

C. Kausik and Marmigere Do Not Disclose an Actionable Status Code

Claim 15 recites “evaluating whether the response has a status code that is actionable” and “when the status code is actionable”.

The Examiner asserts that the status code limitation is taught by Marmigere in Fig. 9 as elements 200, 301 and 304. We agree that codes and actions are shown in Fig. 9 of Marmigere. However, as shown in FIG. 9 of Marmigere, every single code has an associated action. Marmigere teaches that all codes are actionable. As such, teaching of actionable codes alone without distinguishing which codes are actionable and which are not does not disclose what is claimed. That is, Marmigere can not disclose “evaluating whether the response has a status code that is actionable” as every status code in Marmigere (as shown in FIG. 9) is actionable.

Kausik does not remedy this deficiency of Marmigere.

Therefore, claim 15 and all claims dependent thereon are patentable over the combination of cited references.

D. The Cited References Do Not Disclose the Claimed Content Type Evaluation

The Office Action admits that Kausik fails to disclose “evaluating whether a content type of the response is appropriate” and “when the content type of the response is appropriate” as recited in independent claim 18 as well as dependent claims 7, 33 and 47. The Office Action asserts that Marmigere discloses these limitations. We disagree.

The Examiner asserts that this limitation is taught at paras. 0057 and 0058 of Marmigere. But this portion of Marmigere discloses that a “server calculated the signature of the first object candidate to be updated in the received request”. The concepts of a “signature” and a “content type” are wholly different. A signature as used in Marmigere is a unique identifier calculated based on the data of an object. See Marmigere, para 0053. A unique identifier in no way references the type of content of the object. Moreover, this is made clearer in that Marmigere uses the signature solely to

determine whether the object is the same as an already cached object. See Marmigere, para 0053. As such, the signature of Marmigere does not disclose the claimed “content type”.

As admitted in the earlier Office Actions, Kausik fails to remedy the deficiencies of Marmigere. Thus, independent claim 18, and all claims dependent thereon, as well as dependent claims 7, 33 and 47 are patentable over the combination of Marmigere and Kausik.

E. Dependent Claims

1. As to claims 5, 23, 38, and 52, the Office Action and FOA assert that “wherein the computed expiration is based on at least one of a response content type and a response resource identifier” is taught by Kausik at col. 6, lines 18-30. This portion of Kausik discloses that an object may be a GIF file. This portion of Kausik discloses that file may be distinguished based on a date of modification. There is no content type evaluation performed or disclosed in Kausik. This portion of Kausik fails to disclose “wherein the computed expiration is based on at least one of a response content type and a response resource identifier”. We assert that Kausik fails to disclose these limitations. Marmigere fails to cure the deficiencies of Kausik. Therefore, these claims are patentable over the combination of Kausik and Marmigere.

2. As to claims 6, 24, 39 and 5, the Examiner earlier directed us to Figs. 2-6 and col. 5, lines 30-37 of Kausik. This portion of Kausik discloses assigning a unique identifier to URL. Kausik further teaches that the unique identifier may be a last-modified date or a strong hash of the contents of the object. That is, this portion of Kausik discloses creating a new URL by appending a unique ID that may be a last-modified date. As such, this portion of Kausik fails to disclose “wherein the computed expiration is based on a time-to-live.” We assert that Kausik fails to disclose this limitation. Marmigere fails to cure the deficiencies of Kausik. Therefore, these claims are patentable over the combination of Kausik and Marmigere.

3. As to claims 13, 29, 43 and 57, Kausik does not disclose “when the time-to-live is greater than a defined maximum, setting the time-to-live to be the defined maximum; when the time-to-live is less than a defined minimum, forwarding the response to the requestor”. The Examiner asserts

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that it is obvious to “have a defined maximum and defined minimum of time” in view of Kausik and Marmigere. But both Kausik and Marmigere disclose the same thing, an expiry or expiration date. Neither Marmigere nor Kausik disclose “when the time-to-live is greater than a defined maximum, setting the time-to-live to be the defined maximum; when the time-to-live is less than a defined minimum, forwarding the response to the requestor” as claimed. Therefore, these claims are patentable over the combination of Kausik and Marmigere.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,



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